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Thomson Licensing LLC			EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,594

Applicant(s)

WEBER, MICHAEL

Examiner

ALBERT T. CHOU

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2 July 2009 for Remarks.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's Remarks filed on July 2, 2009 have been entered. No claims have been amended, added or canceled. Claims 1-10 are pending in this application, with claims 1 and 6 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Pub. No. 2002/0078293 A1 by Kou et al. (hereinafter "Kuo")

Regarding claim 1, Kuo teaches a method for automatically setting up data connections between network subscriber stations in a network of distributed stations [Figs. 2, 4A & Abstract], where the network contains at least one recording appliance [Fig. 2; VCR unit 222 or CD (recording) unit 224], a data source appliance [Figs. 2 & 4A; e.g. Controller Device/Set-top box 212/450 or PC 218; para. 0008] and a data sink appliance [Figs. 2 & 4A; e.g. TV 216/430, VCR unit 222/440, CD (recording) unit 224, or Receiver 220], comprising the following steps:

user-activated selection of a user interface for the recording appliance on a user interface appliance **[Figs. 2, 4A & 5, step 540; AV/C controller 450 can be used to send commands, e.g. "record", to VCR 440 or CD unit 224; para. 0071];**

checking for the existing data connections which have been set up for the data sink appliance or the user interface appliance in the network **[Figs. 2, 4A & 5, step 510; finds various sinks and sources, and possible connections; para. 0059, 0068];**

set-up of a connection between the data source appliance for which a connection to the data sink appliance or to the user interface appliance has been set up and the recording appliance in order to assist in the implementation of an instant-recording function on the recording appliance **[Figs. 2, 4A & 5, steps 520-530; e.g. set up a connection by selecting a data source appliance such as Controller Device/Set-top box 212/450 or PC 218, and a data sink device such as VCR 440, CD unit 224 for a recording function; para. 0071].**

Regarding claims 2 and 7, Kuo teaches the data connection between the data source appliance and the recording appliance is set up only after the recording function on the recording appliance has been activated by the user **[Figs. 2, 4A & 5, step 540; para. 0011, 0071].**

Regarding claims 3 and 8, Kuo teaches the user interface appliance is a display appliance for video images, and the user interface is based on a graphical user interface **[Fig. 4A; para. 0043, 0053].**

Regarding claims 4 and 9, Kuo teaches the data sink appliance is an amplifier device for audio signals **[Fig. 2; e.g. the data sink appliance is a Receiver 220 (which comprising a tuner and an amplifier); para. 0039]**.

Regarding claims 5 and 10, Kuo teaches the recording appliance is a digital video recorder or a digital audio recorder **[Fig. 2; IEEE 1394-compliant digital devices on IEEE 1394 Bus 230 of the network 210, such as VCR 222 or CD unit 224; para. 0006, 0039-0041]**.

Regarding claim 6, Kuo teaches a network subscriber station as a user interface appliance having program means for providing user interfaces for controlling network subscriber stations **[Figs. 2 & 4A; e.g. Controller Device/Set-top box 212/450 or PC 218 controls other devices of network 210; para. 0008, 0042-0044]**, wherein the user interface appliance has further program means which, upon activation of the user interface for the control of a recording appliance in the network by the user **[Figs. 2, 4A & 5, step 540; AV/C controller 450 can be used to send commands, e.g. "record", to VCR 440 or CD unit 224; para. 0071]**, call up checking program means which trigger a check regarding the existing data connections which have been set up for a data sink appliance or the user interface appliance itself **[Figs. 2, 4A & 5, step 510; finds various sinks and sources, and possible connections; para. 0059, 0068]** and automatically set up a data connection between the data source appliance for which a

data connection to the data sink appliance or to the user interface appliance has been set up and the recording appliance in order to assist in the implementation of an instant-recording function on the recording appliance in the network [Figs. 2, 4A & 5, steps 520-530; e.g. set up a connection by selecting a data source appliance such as Controller Device/Set-top box 212/450 or PC 218, and a data sink device such as VCR 440 or CD unit 224 for a recording function; para. 0071].

Response to Remarks

3. Applicant's remarks filed July 2, 2009 regarding the rejection of claims 1, 6 and their dependent claims in the application have been fully considered but they are not persuasive.

Rejection of claims 1-10 under 35 U.S.C. 102(b)

Regarding claim 1, applicant argues Kou does not perform the claimed step of "*checking for the existing data connections which have been set for a data sink appliance or the user interface appliance in the network*". Examiner respectfully disagrees.

Specifically, **Applicant argues:**

The claimed check step of Claim 1 differs in two aspects from step 510:

First, it concerns "existing connections". See wording of claim 1 and p. 15 of the specification:" Furthermore, the response contains all existing data connections in the network." Examiner respectfully disagrees.

Examiner's Response: Applicant's first argument *"it concerns "existing connections". See wording of claim 1 and p. 15 of the specification:" Furthermore, the response contains all existing data connections in the network"*, is completely irrelevant because the claimed check step does not include the limitation *"Furthermore, the response contains all existing data connections in the network"* as argued by the applicant.

The Second step of claimed method clearly differs from what is described in Kou [0068] "possible connections" which means "potential" or "future" connections. That is, Kou has not identified particular connections that exist; rather the invention provides a system where a user can set up a connection from a possible connection.

Examiner's Response: Examiner respectfully disagrees to applicant's interpretation (Namely, *"possible connections" which means "potential" or "future" connections*) with respect to Kuo's invention. As recited in [0057], for example, Kuo discloses "The user can then use AV/C controller 450 (specifically, output-select button 452) to scroll through a listing (menu) of target devices that can be connected to TV 430 (e.g., VCR 440 and target devices 446a and 446b). The user then selects one of the devices, such as VCR 440, using output-select button 452." This does not mean there is no existing connection which has been set up between any of target devices and TV

430 at the time of scrolling the menu. In other words, the user may use the AV/C controller 450 to scroll through a listing (menu) of target devices, whether or not there is a connection has been set up between any of target devices and TV 430. It is note that the electronic devices in network 210 are capable of interacting with each other on a peer-to-peer basis (see Fig. 2 and [0039]).

In contrast, the limitation "*checking for the existing data connections which have been set up for the data sink appliance or the user interface appliance in the network*" is intended to determine or verify whether or not there are "*existing data connections which have been set up for the data sink appliance*", because there is a possibility that "*data connections for the data sink appliance*" may not exist. Thus, Kuo teaches each limitation set forth in claim 1.

Applicant argues:

Secondly, it is an automatic step of Claim 1, performed without any intervention of a user. See p. 14-15 of specification "When the user interfaceTuner-FCM" 56 in the set-top box 11 and VCR-FCM 57 in the digital video recorder." The Second step of claimed method differs from what is described at the end of Kou [0068] "in response to input from the user".

Examiner's Response:

Although claim 1 is interpreted in light of the specification, such as pages 14-15 of the specification, limitations from the specification are not read into claim 1. It is noted the feature upon which applicant argues, i.e. "*an automatic step of claim 1*", (I) is

recited in the preamble that merely states the intended use of the invention; and (II) requires the selection of the user interface for the recording appliance, which is disclosed by Kuo and recited in the 35 USC 102(b) rejection to claim 1[see Kuo: Figs. 2, 4A & 5, steps 520-530; para. 0071].

For the reasons given above, claim 1 is rejected as being anticipated by Kou and thus is unpatentable. Similarly, claims 6 is unpatentable for the same reasons given for claim 1.

Dependent claims 2-5 and 7-10 depend from claims 1 and 6, respectively. In addition to the reasons given for claims 1 and 6, Examiner maintains the same position of rejection to claims 2-5 and 7-10.

Therefore, claims 1-10 are not allowable over Kuo's reference.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham, can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Albert T Chou/
Examiner, Art Unit 2416
August 12, 2009